

State of New Jersey  
Department of Labor and Workforce Development  
Board of Review

## MEMORANDUM

**To:** Cornelia Calderone, Chair, Joseph Sieber,  
Vice Chairman, and Frank Serico, Member

**From:** Gerald Yarbrough, Executive Secretary  
Board of Review

**Subject:** Minutes of the August 9, 2006  
Board of Review Meeting

**Date:** August 14, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, August 9, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in *The Trenton Times* and *The Star Ledger*. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, August 16, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair  
Mr. Sieber, Vice Chair  
Mr. Serico, Member  
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the August 2, 2006 meeting were approved.

3. New Business

(a) 108,740

This matter was tabled for further review and research.

(b) 112,209 and 112,807

Mr. Morley and Mr. Gitter presented these cases that involved claimants who were discharged for submitting false timecards and receiving wages for hours they did not work. The Appeal Tribunal held the claimant in 112,209 disqualified for benefits under N.J.S.A. 43:21-

5(b) as his discharge was for gross misconduct. The claimant in 112,807 was held not disqualified under N.J.S.A. 43:21-5(b). After discussion, the Board noted that the records were lacking and voted to remand both cases for additional testimony. Mr. Morley and Mr. Gitter will prepare the remands.

(c) 107,697

Mr. Gitter described this case that involved a claimant who was absent from work because she was ill as a result of her pregnancy. The claimant was in contact with the employer doing her absence. She was notified, by voicemail, to hand in her keys and pick up her paycheck. The claimant had no further contact with the employer after turning in her keys. The Appeal Tribunal had held the claimant not disqualified under N.J.S.A. 43:21-5(a) or (b). The Board noted that the employer indicated that work was still available for the claimant. After discussion, the Board voted to affirm the Appeal Tribunal and refer the employer's contention of available work to the Deputy. Mr. Gitter will prepare the decision.

(d) 105,264

As presented by Ms. Abrunzo, this case involved a claimant who is employed as an assistant vice-president. The claimant trades stocks and works thirty to forty hours a week unless he is off work to attend to personal legal matters. The Appeal Tribunal had held the claimant ineligible for benefits under N.J.S.A.43:21-19(m) (1) and liable for refund. The Board noted that the record supports the conclusion that the claimant is not unemployed and voted to affirm the Appeal Tribunal.

(e) 111,381

As described by Ms. Futterman, this case involves a claimant who was employed as a bus driver. The claimant's driver's license was suspended as a result of an unpaid parking ticket. She was not allowed to work because of the suspension and was later discharged. The claimant paid the ticket on the day she became aware of the suspension. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted the record was lacking regarding the specific reason for the claimant's separation and voted to remand the case for additional testimony. Ms Futterman will prepare the remand.

**4. Public Portion**

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Serico seconded the motion.

SUBMITTED FOR APPROVAL:

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Gerald Yarbrough  
Executive Secretary

GY:gs